

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 603 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DAHYABHAI MANIBHAI SHARMA

Versus

STATE OF GUJARAT

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Appearance:

MR US BRAHMBHATT for Petitioner  
PUBLIC PROSECUTOR for Respondent No. 1  
MR BA VAISHNAV for Respondent No. 4  
NOTICE SERVED for Respondent No. 5

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 07/09/98

ORAL JUDGEMENT

1. Rule. Ld.APP-Mr.M.A.Patel waives service of rule on behalf of respondent Nos 1,2,3,5&6. Ld.Advocate mr.B.A.Vaishnav waives service of rule on behalf of respondent No.4. The petitioner has prayed for appropriate direction to respondent Nos 4 to 6 for the

detection of cause of death of his son--Rajnikant Dahyabhai Sharma who died in suspicious circumstances on 26.3.97. The petitioner has also prayed for direction to respondent Nos 1,2&3 to collect necessary evidence and to entrust the investigation to CID.

2. As per the averments made in the petition the petitioner has received telephonic message on 26.3.97 that his son R.D.Sharma has been admitted to Karamsad Medical Hospital, and thereby the petitioner has immediately rushed to Karamsad. However, when the petitioner reached the hospital he was informed that his son had expired. That though the Post Mortem has been carried out the cause of death has not been shown and not informed to the petitioner. That Chhani police has been enquiring into the incident, but nothing has been intimated and thereby the petitioner has filed the present petition.

3. It may be noted that on 3.9.98 Ld.APP Mr.Divetia appearing for respondent Nos 1,2&3 had stated that the deceased-R.D.Sharma had died due to cardiac arrest. That exact cause of death could not be stated in the PM report as the report of Medical Officer to whom viscera had been sent. That thereafter the respondent No.4 was directed to file necessary affidavit and today Ld.Advocate Mr.Vaishnav has filed affidavit of one Dr.Mayur Trivedi, Tutor, Department of Forensic Medicine, Pramukhswamy Medical College, Karamsad and has produced the copy of the report which is taken on record vide running pages 31 to 33. As per the affidavit report of viscera from FSL was received on 30.6.97 and thereby a conclusion was arrived at that no poison was found in the viscera of the deceased-R.D.Sharma. That on the basis of histo-pathological report the department has come to conclusion that the death of the deceased-R.D.Sharma had occurred on account of Myocardial infraction. Detailed report of histo-pathology has been produced and made available to the concerned police officer. It is also stated that the respondent No.3 has already started enquiry under section 174 in the said matter. That in the absence of any other fact produced on record, I do not find any reason to direct respondent Nos 1,2&3 to make further investigation either themselves or through the CID, State of Gujarat. Material produced on record clearly suggests that the deceased-R.D.Sharma, son of the present petitioner has died natural death on account of Myocardial infraction and as such petition can not be sustained and deserves to be disposed of. Petition stands disposed of for want of further prosecution. Rule is discharged. No costs.

